

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JAMES EDWARD WILLIAMS, 12 Plaintiff, 13 v. 14 DR. R. MACK, 15 Defendant.) No. C 12-5687 RMW (PR))) ORDER DENYING WITHOUT) PREJUDICE DEFENDANT'S) MOTION TO DISMISS)) (Docket No. 19.))))
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Plaintiff, a former inmate at Salinas Valley State Prison, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that defendant was deliberately indifferent to his serious medical needs. Defendant has moved to dismiss this action for failure to exhaust. Defendant's motion is DENIED without prejudice to refile the motion within **fourteen days** of the filing date of this order, accompanied by proof of service upon plaintiff of the notice and warning regarding motions to dismiss for exhaustion as required by Woods v. Carey, 684 F.3d 934, 938-40 (9th Cir. 2012). Plaintiff shall file his opposition within **twenty-eight days**. Defendant shall file a reply **fourteen days** thereafter.

IT IS SO ORDERED.

DATED:


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD WILLIAM et al,
Plaintiff,

Case Number: CV12-05687 RMW

CERTIFICATE OF SERVICE

v.

DR. MACK, ET AL. et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 26, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Edward Williams V-54214
Kern Valley State Prison
D-1-222
P.O. Box 5104
Delano, CA 93216

Dated: March 26, 2014

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk